



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2004-09**

February 6, 2004

Mr. Mark S. Pombrio  
PO Box 971  
Windham, NH 03087

RE: DES Wetlands File #2003-01140 53 Cobbetts Pond Rd, Windham

Dear Mr. Pombrio:

On December 12, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Windham Tax Map 21H as Lot 3 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. The bank of Cobbetts Pond had been excavated. A drain pipe measuring 6 inches in diameter had been installed within approximately 25 square feet of stone fill, and a drain pipe measuring 15" in diameter was evident within the excavated area without a permit from DES.
2. Sediment had migrated from the excavated area and formed a delta measuring approximately 50 square feet in the water of Cobbetts Pond.

In response, you are requested to take the following actions:

1. Submit an after-the-fact application within 30 days for a permit to install a 6 inch culvert and repair a 15 inch culvert to DES. The application should include a plan to permanently stabilize the excavated area.
2. Submit a restoration plan for the removal of the sediment in Cobbetts Pond. The plan should be prepared by a qualified environmental consultant and should include measures for preventing further water quality degradation.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

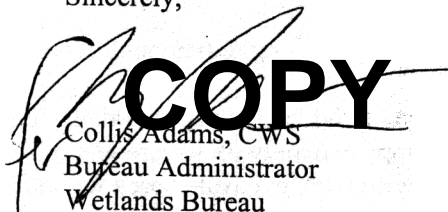
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Arlene Allen at (603) 271-4192.

Sincerely,

  
**COPY**  
Collis Adams, CWS  
Bureau Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0107

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit  
Windham Conservation Commission  
Windham Board of Selectmen  
Windham Code Enforcement Officer  
USACOE